

FILED  
U.S. DISTRICT COURT

2015 MAR 12 P 1:34

DISTRICT OF UTAH

James Arnett  
Plaintiff, In Propria Persona (I.F.P.)  
9288 N. Monmouth Court  
Tucson, Arizona 85742  
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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

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JAMES ARNETT,

Plaintiff,

v.

BENJAMIN SNOW HOWARD;  
LIFELINE MEDIA LLC, a Utah  
entity; NATIONWIDE AFFORDABLE  
HOUSNG, a Texas corporation; and the  
BEN HOWARD TRUST, an Idaho  
trust,

Defendants.

**MOTION TO COMPEL**

Presiding Judge Ted Stewart

Magistrate Judge Dustin Pead

Case 2:13-CV-00591-TS-DBP

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Plaintiff James Arnett hereby moves for an Order from this Honorable Court, to compel Defendants to promptly produce all outstanding discovery, pursuant to Federal Rule of Civil Procedure 26 and Rule 29(b).

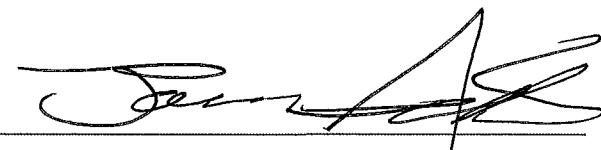
The deficient discovery consists of Plaintiff's Interrogatories to Defendants and Plaintiff's requests to Defendants for the Production of Documents. The required Answers have not been returned following the 30 day period, provided by the Rules, which was on or about 27 February 2015.

## **BACKGROUND**

1. On 27 January 2015, Plaintiff served Defendants by way of a document addressed and mailed to Defendants, containing his First Set of Admissions, Interrogatories, and Requests for the Production of Documents to Defendants;
2. On 24 February 2015, by way of mail, Defendants served Plaintiff with their Admissions to Plaintiff – but no other Discovery;
3. On 5 March 2015, Attorney Hillary Pavia of Tycksen & Shattuck LLC., (the law firm representing Defendants) assured Plaintiff that Documents were forthcoming but stipulated certain terms (see exhibit "A"). Plaintiff requested that Ms. Pavia do so in the form of a motion for a protective order (see exhibit "B");
4. To date, more than ten days past the 30 day deadline, Defendants have failed to serve Plaintiff with their responses to Plaintiff's Interrogatories and Requests for the Production of Documents, nor have they filed a motion for a protective order, nor have they motioned for any extension of time to respond as required by Federal Rule of Civil Procedure 29(b).

WHEREFORE, Plaintiff James Arnett moves for an Order from this Honorable Court, compelling Defendants to produce complete and executed Answers to Interrogatories and the required Documents within the next 15 days.

Respectfully submitted this 10<sup>th</sup> day of March 2015.



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**EXHIBIT "A"**

Email from Defendants.



From: Hillary Pavia > Hide

To: James Arnett >

**Re: Doc requests**

March 5, 2015, 12:38 PM

No we absolutely have not blown them off. You have requested a lot of documents and info that we are working with our client to get to us so that we can get that you. He is uncomfortable providing that information without a protective order in place which just makes sure that you agree not to use that information for anything other than the lawsuit. We can put together a motion and stipulation for a protective order which you can review and if we can agree to the terms of the stipulation of the protective order we just need to have both our signatures on it and file it with the Court. I am working on a deadline today but I can get you draft Stipulation either tomorrow or Monday. I don't want to put all the work into drafting it if you don't think you are going to be able to come to terms you will be able to agree with though.



**EXHIBIT "B"**

Plaintiff's response.



To: Hillary Pavia > Hide

From: James Arnett >

**Re: Doc requests**

March 5, 2015, 1:55 PM

As long as Ben isn't going to play the shell game with our Judges and make his documents available to the US Court, there shouldn't be anything objectionable in keeping his information within the US courthouse. That should be official.

I think Ben may be over the deadline though. I just checked my records and it shows that I sent out my Admissions, Interrogatories and Document Requests to your office on 27 January 2015 and it was received on 29 January 2015 with a 30 day deadline. I'm not sure how that complicates things now but it's more reason for not adding to the confusion and let the Court tell me what to do at this point. The Judges always know best.

Best regards,

James

